

S
614.6
M5LRR
1963

JAN 5 1968

MONTANA STATE BOARD OF MORTICIANS



LAWS, RULES
AND
REGULATIONS

MONTANA
CHAPTER 27
MORTICIANS AND
FUNERAL DIRECTORS LAW
ENACTED BY
THE 1963 LEGISLATURE

EXAMINING BOARD MEMBERS:

Robert Burns, President
G. L. Banks, Secretary-Treasurer
Arlo Axelson
Lyman M. Clayton
Edward Gurnett

PROFESSIONS AND OCCUPATIONS

CHAPTER 27—MORTICIANS AND FUNERAL DIRECTORS

- Section 66-2701. Definitions.
- 66-2702. State board of morticians—appointment and term of office.
- 66-2703. Officers of board—compensation of members.
- 66-2704. Meetings — quorum — rules and regulations.
- 66-2705. Employees of board.
- 66-2706. Disposition of fees.
- 66-2707. Funeral directing.
- 66-2708. Embalming and mortuary science—qualifications for mortician's license.
- 66-2709. Examination for morticians.
- 66-2710. Intern mortician's license.
- 66-2711. Mortician's license—fee and renewal.
- 66-2712. Reciprocity.
- 66-2713. Operation and licensing of mortuaries.
- 66-2714. Refusal to grant, suspension and revocation of mortician's and funeral director's license.
- 66-2715. Hearing and notice—revocation and suspension of licenses.
- 66-2716. Appeal.
- 66-2717. Penalty provision.

66-2701. Definitions. As used in this act.

(1) "Board" means the state board of morticians.

(2) "Funeral directing" includes

(a) supervising funerals,

(b) preparing dead bodies for burial other than by embalming.

(c) maintaining a mortuary for the preparation, disposition or care of dead human bodies, and

(d) the holding out to the public that one is a funeral director or undertaker.

(3) "Embalming" means the preservation and disinfection of the dead human body by application of chemicals externally, internally, or both.

(4) "Mortuary science" is the profession or practice of funeral directing and embalming.

(5) A "mortician" is a person licensed under the laws of the state of Montana to practice mortuary science.

(6) A "mortuary" is a place of business used for the care and preparation for burial or transportation of dead human bodies, or a place where a person represents himself as engaged in the profession of mortuary science or funeral directing.

History: En. Sec. 1, Ch. 41, L. 1963.

Title of Act

An act regulating the operation of mortuaries and the practice of mortuary science and funeral directing: establishing a state board of morticians; amending sections 69-119, 69-2306, 69-2309, 69-2310, and 9-604, R.C.M. 1947: and repealing sections 82-701, 82-702, 82-703, 82-704, 82-705, 82-706, 82-707, 82-708, 82-709, 82-710, and 82-711, R.C.M. 1947.

66-2702. State board of morticians—appointment and term of office. There is in state government a state board of morticians consisting of five licensed morticians ap-

pointed by the governor with the advice and consent of the senate. The original members of the board shall be appointed for one (1), two (2), three (3), four (4), and five (5) year terms. An appointment to replace a member whose term has expired shall be for five (5) years. An appointment to replace a member whose term has not expired shall be for the remainder of the term.

History: En. Sec. 2, Ch. 41, L. 1963.

66-2703. Officers of board—compensation of members. The board shall elect a chairman, a secretary-treasurer, and any other necessary officers. Board members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in attending meetings or in the discharge of other board duties. In addition to such reimbursement the secretary-treasurer may be paid a salary set by the board.

History: En. Sec. 3, Ch. 41, L. 1963.

66-2704. Meetings — quorum — rules and regulations. The board shall hold such meetings as may be necessary. Three members constitute a quorum for the transaction of business. The board may adopt and enforce rules and regulations to carry out the purposes of this act.

History: En. Sec. 4, Ch. 41, L. 1963.

66-2705. Employees of board. The board may employ whatever temporary or permanent personnel are necessary to carry out the provisions of this act.

History: En. Sec. 5, Ch. 41, L. 1963.

66-2706. Disposition of fees. All moneys collected by the board shall be deposited with the state treasury and shall be used only for the purposes of defraying the necessary expenses of administering this act.

History: En. Sec. 6, Ch. 41, L. 1963.

66-2707. Funeral directing. The practice of funeral directing is prohibited by anyone who does not hold a funeral director's license or a mortician's license issued by the board. A person licensed to practice funeral directing on June 1, 1963 is entitled to an annual renewal of his license upon payment of an annual license fee to the board on July 1 of each year. The amount of the annual license fee shall be set by the board but shall not exceed five dollars (\$5). A funeral director's license shall not be issued to a person who is not licensed by the board of embalmers and funeral directors to practice funeral directing on June 1, 1963.

History: En. Sec. 7, Ch. 41, L. 1963.

66-2708. Embalming and mortuary science—qualifications for mortician's license. The practice of embalming or mortuary science is prohibited by anyone who does not hold a mortician's license issued by the board. To qualify for a mortician's license a person must

(1) Be at least twenty-one (21) years of age.

(2) Be of good moral character.

(3) Have graduated from an accredited college of mortuary science, and have satisfactorily completed two (2) academic years at an accredited college or university. This subsection shall not apply to a person who is enrolled in an accredited college of mortuary science on the effective date of this act.

(4) Pass an examination prescribed by the board.

(5) Serve a one (1) year internship under the supervision of a mortician in a licensed mortuary in Montana.

History: En. Sec. 8, Ch. 41, L. 1963.

66-2709. Examination for morticians. A person possessing the necessary qualifications may apply to the board for a license and upon payment of an application fee of twenty-five [dollars] (\$25.00), may take the examination prescribed by the board. The examination shall be held on the second Wednesday of July each year in Helena and at such other times and places as the board deems necessary.

History: En. Sec. 9, Ch. 41, L. 1963.

Compiler's Note

The compiler has inserted the bracketed word "dollars."

66-2710. Intern mortician's license. An applicant who passes the examination, upon payment of a license fee of three dollars (\$3.00), shall be granted an intern mortician's license to practice mortuary science under the supervision of a mortician in a licensed mortuary in Montana, and upon completion of one year's internship and payment of the annual license fee, may apply for and receive a mortician's license.

History: En. Sec. 10, Ch. 41, L. 1963.

66-2711. Mortician's license — fee and renewal. (1) The annual license fee for a mortician's license must be in the hands of the secretary-treasurer or postmarked before July 1 of the assessment year. The amount of the annual license fee shall be set by the board but shall not exceed ten dollars (\$10.00). A person holding a license issued by the board of embalmers and funeral directors to practice embalming on June 1, 1963 may, within two (2) years of such date, apply for and receive a mortician's license upon payment of the license fee.

(2) Failure to pay the annual license fee shall result in automatic suspension of the license. The license may be reinstated by the payment of all unpaid license fees plus a penalty of twenty-five dollars (\$25.00).

History: En. Sec. 11, Ch. 41, L. 1963.

66-2712. Reciprocity. If a person holding a license entitling him to practice mortuary science in another state applies for a Montana mortician's license, the board may waive the examination and internship requirements if it finds that the standards and requirements of the state in which the applicant is licensed are equal to or exceed those of Montana and if such state has a reciprocal agreement with Montana.

History: En. Sec. 12, Ch. 41, L. 1963.

66-2713. Operation and licensing of mortuaries. (1) An operating mortuary must be licensed by the board. The license must be displayed in a conspicuous place. The board may adopt rules and regulations prescribing reasonable standards for such establishments, including minimum requirements for drainage, ventilation, and instruments, and may inspect the premises of a mortuary establishment to determine if such rules and regulations are complied with. Such inspection or inspections shall be made at the discretion of the board, and may be without notice.

(2) The board may charge the operator an inspection fee to be set at the discretion of the board, but not to exceed twenty-five dollars (\$25.00) per year.

(3) A mortuary license may be suspended or revoked upon proof of

(a) noncompliance of board rules or regulations relating to the operation of mortuaries,

(b) violation of any of the laws, rules, or regulations of the state, district, or local board of health governing

the disposition of dead human bodies, or,

(c) violation of any rule of the board regulating the practice of mortuary science and funeral directing.

(4) The operation of a mortuary is prohibited by anyone not holding a mortician's or funeral director's license.

History: En. Sec. 13, Ch. 41, L. 1963.

66-2714. Refusal to grant, suspension and revocation of mortician's and funeral director's license. The board may refuse to grant, may suspend, or may revoke a mortician's or funeral director's license for any of the following reasons:

(1) If the applicant or licensee obtained the license by fraud or misrepresentation, either in the application for the license, or in passing the examination.

(2) If the applicant or licensee has been convicted of a felony.

(3) If the applicant or licensee has violated any section of this act or any rule or regulation of the state, district, or local board of health governing the disposition of dead human bodies, or any rule of the board regulating the professions of mortuary science or funeral directing, or the operation of a mortuary.

(4) If the licensee has participated in any scheme in the nature of a burial association or burial certificate plan which does not properly protect the rights of the public, or where there is any element of fraud, or where there is contained any agreement or provision that deprives heirs, next of kin, or any other authorized person freedom of choice as to the services or merchandise used in connection with a funeral, or the freedom of choice as to which funeral directors or morticians shall be employed.

History: En. Sec. 14, Ch. 41, L. 1963.

66-2715. Hearing and notice—revocation and suspension of licenses. No action to suspend, revoke, or cancel a license shall be taken by the board until the accused has been furnished, at least thirty (30) days prior to the date of the hearing, with a statement of the charges against him and notice of the time and place of hearing the charges. If, upon the hearing, the board finds the charges true, it may revoke or suspend the license of the accused person. A stenographic report of each proceeding to revoke or suspend the license shall be made at the expense of the board and a transcript kept in its files. A copy of the transcript shall be furnished to the person so charged and accused.

History: En. Sec. 15, Ch. 41, L. 1963.

66-2716. Appeal. A person who has been refused a license or whose license has been revoked or suspended, may file with the secretary of the board, within thirty (30) days after the decision of the board, a written notice of appeal to any district court of the state of Montana. The court is limited in its proceedings to a determination of whether the action of the board was in accord or consistent with this act or the constitution of this state, or whether the action of the board was arbitrary or an abuse of discretion. When a notice of appeal is filed the secretary of the board shall transmit to the clerk of the court the record of the board's proceedings. The judgment of a district court of the state of Montana, may, in the manner provided for appeal of civil action, be reviewed upon proceedings on appeal in the supreme court.

History: En. Sec. 16, Ch. 41, L. 1963.

66-2717. Penalty provision. A person who violates this act is guilty of a misdemeanor.

History: En. Sec. 17, Ch. 41, L. 1963.

AUTOPSIES

CHAPTER 23—CADAVERS—PROCUREMENT FOR TEACHING ANATOMICAL SCIENCE—AUTOPSIES AND DISSECTIONS

- Section 69-2306. Burial permit to accompany body—burial.
69-2309. Qualifications to perform autopsies or post-mortem examinations—written report.
69-2310. Autopsy performed contrary to law a misdemeanor—persons exempt from law.

69-2306. Burial permit to accompany body—burial. The burial permit shall accompany the body to said educational institution and by it be properly registered for burial and buried by a licensed mortician or funeral director, at the expense of the institution of higher learning making application for the use of said dead human bodies.

History: En. Sec. 6, Ch. 102, L. 1943; amd. Sec. 19, Ch. 41, L. 1963.

Amendment

The 1963 amendment substituted "mortician or funeral director" for "embalmer or undertaker."

69-2309. Qualifications to perform autopsies or post-mortem examinations—written report. All dissections, autopsies or other post-mortem examinations involving dissection of any part of the human body, (except preparation of the body for burial or cremation by duly licensed morticians or funeral directors), shall be performed by a physician or surgeon duly licensed to practice such profession by the state board of medical examiners of the state of Montana, and upon completion of any such dissection, autopsy or other post-mortem examination, the physician or surgeon, whether one or more participating, shall deliver a written report thereof, together with his findings as to cause of death, to the next of kin of decedent, or the representative of decedent's estate, or to other persons lawfully requesting such procedures in the cases herein permitted.

History: En. Sec. 2, Ch. 172, L. 1949; amd. Sec. 20, Ch. 41, L. 1963.

Amendment

The 1963 amendment substituted "morticians or funeral directors" for "embalmers" in the parenthetical clause.

69-2310. Autopsy performed contrary to law a misdemeanor—persons exempt from law. Every person who shall make, or cause to be made, any dissection of the body of a human being, or to have any autopsy performed thereon, or to have any other post-mortem examination performed and accomplished except as hereinbefore provided, shall be guilty of a misdemeanor. But nothing in this act shall affect, impair or restrict the right of a duly licensed mortician to dissect the dead body of a human to the extent necessary and proper in the preservation or preparation of such body for burial, cremation or other lawful disposition, in all cases as authorized by the laws of Montana.

History: En. Sec. 3, Ch. 172, L. 1949; amd. Sec. 21, Ch. 41, L. 1963.

Amendment

The 1963 amendment deleted the words "embalmer, undertaker or" which preceded "mortician" in the second sentence.

TITLE 9—CEMETERIES

Chapter 6. Authority over disposition of remains in mausoleums or columbariums—records, 9-604.

CHAPTER 1—CEMETERY ASSOCIATIONS— INCORPORATION OF

9-121. (6489) Trustee or trustees of funds to be appointed, etc.

Cross-Reference

Application of Montana Rules of Civil Procedure to this section, see Table A, M. R. Civ. P. (sec. 93-2711-7).

CHAPTER 6—AUTHORITY OVER DISPOSITION OF REMAINS IN MAUSOLEUMS OR COLUMBARIUMS— RECORDS

Section 9-604. Limitation of actions against mausoleum-columbarium—funeral directors and morticians exempt from liability.

9-604. Limitation of actions against mausoleum-columbarium—funeral directors and morticians exempt from liability. No action shall lie against any mausoleum-columbarium authority relating to the remains of any person which have been left in its possession for a period of two (2) years, unless a written contract has been entered into with the mausoleum-columbarium authority for their care or unless permanent interment has been made. Nothing in this section shall be construed as an extension of the existing statute prescribing the period within which an action based upon a tort must be commenced. No licensed mortician or funeral director shall be liable in damages for any cremated human remains after the remains have been deposited with a mausoleum-columbarium authority in the state of Montana.

History: En. Sec. 26, Ch. 35, L. 1949; amd. Sec. 22, Ch. 41, L. 1963.

Amendment

The 1963 amendment inserted "mortician or" before "funeral director" in the last sentence.

Separability Clause

Section 23 of Ch. 41, Laws 1963 read "Severability clause. It is the intent of the legislative assembly that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Repealing Clause

Section 24 of Ch. 41, Laws 1963 read "Repeal. Sections 82-701, 82-702, 82-703, 82-704, 82-705, 82-706, 82-707, 82-708, 82-709, 82-710 and 82-711, R.C.M., 1947, are repealed."

CHAPTER 7—CORPORATIONS FOR OPERATION OF MAUSOLEUMS OR COLUMBARIUMS—POWERS

9-705. Powers to make rules and regulations.

Compiler's Note

The reference in this section to sections 9-606 to 9-614 should read section 9-706 to 9-714.

MONTANA STATE BOARD OF MORTICIANS

RULES AND REGULATIONS

Rule 1. Mortician's License. Any person desiring to practise Mortuary Science in the State of Montana must be possessed of the following qualifications:

- a. Be at least twenty-one (21) years of age
- b. Be of good moral character
- c. Be a graduate of an accredited College of Funeral Service Education
- d. Present evidence in the form of original transcripts that he has completed successfully at least sixty (60) semester hours or ninety (90) quarter credit hours of work from an accredited college or university.

Rule 2. Examination for Mortician's License.

a. Any qualified person may apply to the Board for permission to take the Mortuary Science examination and upon payment of the application fee of twenty-five dollars (\$25.00), the Board must give permission for the examination.

b. A qualified person may write the Mortuary Science examination prior to his twenty-first (21st) birthday.

c. The Mortuary Science examination shall consist of the subjects covered by the National Board examination of the Conference of Funeral Service Examining Boards and, in addition, the laws of the State of Montana, the Rules and Regulations of the Board of Morticians and the Rules and Regulations of the Montana State Board of Health covering registration of deaths, embalming, transportation, disposition of dead human bodies and funeral directing.

d. An examinee may present to the Board the results of a National Board examination taken after July 1, 1963 in partial fulfillment for a Mortician's license, provided that he shall also complete successfully the examination covering the laws of the State of Montana, Rules and Regulations of the Board of Morticians and the Rules and Regulations of the Montana State Board of Health covering registration of deaths, embalming, transportation, disposition of dead human bodies and funeral directing.

e. A passing grade of seventy-five percent (75%) must be obtained as a minimum in each of the subjects required for a Mortuary Science examination.

f. 1. In the event of failure of no more than two subjects, the applicant may re-write the subjects failed.

2. Failure in more than two subjects will require re-writing the entire examination.

3. Such re-writing shall be at the next following examination offered by the Board.

Rule 3. Internship.

a. An applicant who has successfully passed the Mortician's examination as given by the Montana Board (and has paid the \$3.00 Intern morticians fee) shall be registered to practise as an Interne of the State of Montana.

b. An applicant who has successfully passed the examination prior to his twenty-first (21st) birthday shall be registered as an Interne, but shall not receive his Mor-

tician's license until the completion of his internship and until he has reached the age of twenty-one (21).

c. A registered Intern must complete all of his internship in the State of Montana and must report any change of sponsoring Mortician within ten (10) days to receive credit toward the twelve (12) month internship.

Rule 4. Application Date. All applications for Mortuary Science examinations must be in the hands of the Secretary of the Board of Morticians not less than thirty (30) days prior to the date set for examination.

Rule 5. Renewal Fees.

a. The renewal fee for a Mortician's license shall be ten dollars (\$10.00) per year.

b. The renewal fee for a Funeral Directors' license shall be five dollars (\$5.00) per year.

Rule 6. Military Service. No license shall become delinquent while such licensee is on active duty in United States Military Service, but shall be carried on in good standing.

Rule 7. Investigation of Complaints.

a. The Board shall be authorized to appoint a licensed

RULE 7. INVESTIGATIONS OF COMPLAINTS

A. The Board shall be authorized to retain an investigator to make investigations or inspections, covering any complaint or alleged infraction which may come to the attention of the Board, of any irregularities or violations or alleged infractions of the Laws, Rules and Regulations pertaining to the practice of Mortuary Science and/or the operation of mortuaries in the State of Montana.

Rule 8. Operation of a Licensed Mortuary.

a. An inspection fee of twenty-five dollars (\$25.00) shall be charged for inspection of a mortuary.

b. A mortuary shall be inspected in a manner to be prescribed by the Board. Such inspection may consist of a physical survey of the premises or may consist of a written statement by the owner and operator on forms provided by the Board.

c. A mortuary shall be subjected to inspection if its location has been changed.

d. An establishment shall be considered a Mortuary if it maintains a room for the preparation of dead human remains and/or a stock of caskets, burial clothing and burial vaults for sale.

e. Each mortuary shall maintain an operating room for the preparation of dead human remains.

1. Such room shall be maintained in a clean and sanitary condition at all times.

2. The floors and walls of such room shall have tile, concrete or other non-porous materials covering the floor from wall to wall such that the room may be kept in a sanitary condition at all times.

3. Such room shall contain only the articles, facilities and instruments necessary for the preparation of dead human bodies.

4. Such operating rooms shall be equipped with proper sewerage, waste disposal and drainage facilities and systems.

5. The doors and windows of such operating rooms shall be constructed so as to obstruct any view from the outside and such that they shall be properly screened and provide proper ventilation for the room.

6. All tables, hoppers, sinks, receptacles, instruments and other appliances in such rooms shall be thoroughly cleansed and disinfected immediately at the conclusion of each operation.

7. The operating room shall be strictly private. No one shall be allowed in the operating room while a dead human body is being prepared except duly authorized personnel.

8. Waste materials, refuse, used bandages and cotton shall be destroyed by incineration or shall be disinfected immediately at the conclusion of each operation.

Rule 9. A final interpretation and application of any or all of these provisions governing Morticians licenses, Funeral Directors licenses and the operation of mortuaries will rest with the Board.

RULE 10. REVOCATION OF LICENSE OF MORTICIAN OR FUNERAL DIRECTOR

A. The Board shall refuse to grant, renew and may suspend or revoke a Mortician's or Funeral Director's license for any of the following reasons:

1. If the licensee has provided funeral or funeral services pursuant to any agreement or provision between any persons whomsoever, whereby, the agreement or provision in any way deprives the heirs, next-of-kin or any other authorized person from his freedom of choice as to the funeral service or funeral merchandise.

2. If any licensee holds himself out to be ready, able and willing to service any agreement or provision referred to in Sub Section 4, Section 14, Chapter 41 in the Public Laws in the State of Montana.

3. If any licensee is found guilty of adding and abetting any non licensed person in performing the duties of a licensed Mortician or Funeral Director, his license shall be revoked.

4. If any licensee allows his license number to be placed on a death certificate, burial-transit permit or any other official form of any dead human body as the mortician or embalmer if he did not prepare the body, his license shall be revoked.

ADDITIONAL RULES

RULE CHANGES ADOPTED JAN. 10-11, 1967

RULE 2. EXAMINATION FOR MORTICIAN'S LICENSE

a. Any person applying to the Board for permission to take the Mortuary Science Examination shall present to the Board evidence in the form of;

(1) Original transcripts of his completion of sixty (60) semester hours or ninety (90) quarter credit hours with "C" average from an accredited College or University.

(2) Certificate of graduation from an accredited College of Mortuary Science approved by the Board.

(3) Payment of examination fee of twenty-five dollars (\$25.00).

(4) Properly completed application form furnished by the Board.

(5) All the above requirements must be completed and evidence of the same filed with the Board Secretary at least thirty (30) days prior to the date of the examination.

e. A passing grade of seventy per cent (70%) must be obtained as a minimum in each of the subjects required for a Mortuary Science examination.

RULE 3. ADDITION OF PART d.

d. To qualify as an internship, an Interne must be a full-time employee at a licensed Mortuary (a minimum of 40 hours per week for 52 weeks) and assist in the complete funeral (Embalming, Dressing, arrangement of funeral) of at least twenty-five (25) bodies.

ADDITIONAL RULES

VITAL STATISTICS LAWS AND REGULATIONS

From the Bulletin of the State Board of Health (in part), November, 1943, publication. The complete booklet may be had by any person in Montana upon request to the State Board of Health, Helena. The following pertains to the Embalmer and Funeral Director.

CHAPTER 44. LAWS OF MONTANA, 1943

Section 1. Definitions. As used in this act:

(3) "Stillbirth means a birth after 20 weeks of gestation which is not a live birth.

(4) "Dead Body" means lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death has recently occurred.

(5) "Person in charge of interment" means any person who places or causes to be placed a still born child or dead body or the ashes, after the cremation, in a grave, urn, vault, or other receptacle, or otherwise disposes thereof.

Section 12. Registration of Deaths and Stillbirths. A certificate of every death or stillbirth shall be filed with the local registrar of the district in which the death or stillbirth occurred within three days after the occurrence is known; or if the place of death or stillbirth is not known then with the local registrar of the district in which the body is found within 24 hours thereafter. In every instance a certificate shall be filed prior to interment or other disposition of the body.

Section 13. (1) Death and Stillbirth Certificates. The person in charge of interment shall file with the local registrar of the district in which the death or stillbirth occurred or the body was found a certificate of death or stillbirth within three days after the occurrence.

(2) In preparing a certificate of death or stillbirth the person in charge of interment shall obtain and enter on the certificate the personal data required by the board from the persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased or to the coroner having jurisdiction who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of stillbirth to the physician, midwife or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish.

(3) There upon the Funeral Director or person in charge of interment shall notify the appropriate local registrar, if the death occurred without medical attendance, or the physician last in attendance fails to sign the death certificate. Then the local registrar may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification.

Section 14. Delayed determination of the Cause of Death. If the cause of death cannot be determined within three days, the certification of its cause may be filed after the prescribed period, but the attending physician or coroner shall give the local registrar of the district in which death occurred, written notice of the reason for delay, in order that a permit for the disposition of the body may be issued.

Section 27. Permit for Removal, Burial, or Other Disposition. When a death or stillbirth occurs or a dead body is found the body shall not be disposed of or removed from the registration district until a permit has been issued by the local registrar.

Section 28. Foreign Permits for Removal, Burial or Other Disposition of Body. When death or stillbirth occurs outside this State and the body is accompanied by a permit for burial, removal or other disposition issued in accordance with the law and regulations in force where the death or stillbirth occurred, the permit shall authorize the transportation of the body into or through this state but before the burial, cremation or other disposal of the body within this state the permit shall be endorsed by the local registrar who shall keep a record thereof.

Section 29. Prerequisites for permit. No permit under Section 27 shall issue until a certificate of death or stillbirth, as far as can be completed under the circumstances of the case, has been filed and until all the regulations of the board in respect to the issuance of such permit have been complied with.

Section 30. Transmittal of Certificate to State Registrar. Local registrars shall transmit all original certificates filed with them to the state registrar in accordance with regulations of the board, after having made duplicate copies of such certificates to be filed with the County Clerk and Recorder.

Section 36. Penalties. (1) Any person who wilfully makes or alters any certificate or certificates copy thereof provided for in this act, except in accordance with the provisions of this act, shall be fined not more than \$1,000, or be imprisoned not exceeding 6 months, or both fined and imprisoned.

(2) Any person who knowingly transports or accepts for transportation, interment or other disposition of a dead body without an accompanying permit issued in accordance with the provisions of this act, shall be fined not more than \$500.

(3) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act or neglects or refuses to perform the duties imposed upon him by this act, shall be fined not more than \$100.

REGULATIONS

REGULATION 47

Certificates Must Be Unfading, Permanent and Legible

All births, deaths and stillbirth certificates must be plainly written in unfading black ink; and provided also, that original typewritten certificates of births, stillbirths and deaths may be submitted if all signatures required thereto are written in unfading black ink. If the writing is so poor as to be unintelligible to the local registrar, it is deemed not legible and is not in compliance with the laws of this state, therefore the person making the report should be notified in the same manner as though the report were incomplete and the same action taken in case a proper report is not made.

REGULATION 51

Inspection of Records of Sextons and Undertakers

Local registrars are required to inspect and carefully check the records of all sextons, or persons in charge of all burying grounds or other places for the disposition of dead bodies, and of all undertakers within their registration districts, during April and October of such year, and at such other times as may be directed by the State Registrar. Should inspection reveal or indicate any irregularity or violation of the law, it shall be the duty of the local registrar to immediately notify the State Registrar; and in addition thereto, in case of violation of the law, he shall at once lay the matter before the County Attorney for complaint and prosecution, in accordance with the Uniform Vital Statistics Act.

REGULATION 53

Permits to Be Issued in Other Districts, When

In order that the registration of deaths may be carried out with the least inconvenience to the people, any registrar is authorized to issue a burial transit permit for a body when death occurred in an adjoining registration district, when presented with a properly made out death certificate. Any registrar who shall issue a burial transit permit for a body that died in another registration district shall immediately forward the death certificate filed with him to the registrar of the district in which the death occurred and accompany such death certificate with a statement that a burial transit permit has been issued by him. Registrars must respect the rights and authorities of each other and issue burial permits as herein permitted only to facilitate the enforcement of the Uniform Vital Statistics Act.

REGULATION 54

Death Certificate Must Be Specific

Every death certificate must state the specific items of information as to the disease, manner and cause of death, and if from external causes or violence it shall state whether, suicidal, accidental or homicidal and the manner in which the accident or suicide or homicide was committed.

REGULATION 55

Burial or Removal Permit Must Be Refused

If, upon examination by the local registrar, the answers to any questions are found to be indefinite and unsatisfactory and the circumstances of the case would make it appear that the questions can be more fully and definitely

answered, no burial or removal permit shall be issued until such information has been properly and fully supplied.

REGULATION 56

Issuance and Return of Burial Transit Permits

(a) If there be no sexton or other person in charge of the burial grounds then the person acting as undertaker shall endorse the required facts upon the burial permit and shall deliver it to the registrar of the district in which the interment is made within ten (10) days from date of burial.

(b) The local registrar shall forward with his regular monthly return to the State Registrar all burial permits returned to him retaining a stub copy for his file. If all such returns have not been made to him by the 5th of the month on which the monthly return is due, they shall be made the following month.

REGULATION 57

Local Registrars Must Notify Health Officers

(a) In the case of death from a dangerous, communicable disease occurring in a registration district wherein the local registrar has no jurisdiction as a health officer, said local registrar shall immediately notify the health officer having jurisdiction of the name and address of the deceased person and the name of the physician who attended the same, so that all precaution regarding quarantine, isolation, conduct of public funerals and disinfection of premises as required by public health laws and regulations of the State Board of Health may be properly observed.

(b) The provisions of paragraph (a) shall apply in the case of deaths from the following diseases: Cholera (Asiatic), diphtheria, Septic sore throat, influenza, measles or German measles, epidemic Cerebrospinal meningitis, plague, epidemic poliomyelitis (Infantile Paralysis), scarlet fever, smallpox, tuberculosis, typhoid fever, typhus fever, and whooping cough.

(c) Undertakers are held responsible for the strict observance of the regulations of the State Board of Health relative to the burial of bodies dead of communicable diseases.

REGULATION 58

Disinterment Permits

No body after burial shall be disinterred for removal or transport unless a permit has been obtained therefor from the local registrar. Disinterment permits on regular burial transit permits will be issued only to embalmers duly licensed in the State of Montana.

REGULATION 59

Transportation of the Dead

(a) The transportation of bodies dead of smallpox, Asiatic Cholera, Yellow Fever, Typhus Fever, Bubonic Plague, Diphtheria, Scarlet Fever, Glanders, Anthrax or Leprosy, shall not be accepted for transportation unless prepared for shipment by an embalmer holding a license as such, and such body shall be encased in a hermetically sealed casket.

(b) The bodies of those dead of Typhoid Fever, Puerperal Fever, Tuberculosis, Erysipelas, Influenza, and Measles or other dangerous communicable diseases other than those specified in paragraph (a) may be received for transportation when prepared for shipment by a licensed embalmer and the air-tight sealing may be dispensed with.

(c) The bodies of those dead of diseases that are not contagious, infectious, or communicable, may be received for transportation when encased in a sound casket provided they reach their destination within 24 hours from time of death. If the body cannot reach its destination within 24 hours from time of death, it must be prepared for shipment by either common carrier or private conveyance by an embalmer holding a license as in paragraph (a), the airtight sealing may be dispensed with.

(d) The BURIAL-TRANSIT-PERMIT shall show full name of deceased; place of death; cause of death; date of death; color; sex; age; method of disposal; licensed embalmer's name and address and license number; date of issuance, and signature of local registrar.

This permit shows that a certificate of death has been filed as required by the laws of the State of Montana. When used as a Transit Permit the local registrar, signing the permit, certifies that the Laws pertaining to the transportation of the dead have been complied with, and the permit is the authority for transportation agents to accept the corpse for shipment.

(e) Every dead body must be accompanied by a Burial-Transit Permit which is the local registrars permit for removal. This permit or a duplicate thereof must be enclosed in a strong envelope and attached to the shipping case.

(f) Transportation agents shall not, in any case, receive a corpse for transportation unless it is accompanied by a BURIAL-TRANSIT-PERMIT.

(g) Every disinterred body, dead from any disease or cause shall be treated as infectious or dangerous to the public health and shall not be accepted for transportation unless said removal has been approved by the local health authorities having jurisdiction where such body is disinterred, and all such disinterred remains shall be enclosed in a hermetically sealed casket. Bodies deposited in receiving vaults shall be treated and considered the same as buried bodies.

(h) Local Registrars, when issuing a BURIAL-TRANSIT-PERMIT for the purpose of shipment of a corpse, must satisfy themselves that all rules and regulations of the State Board of Health, pertaining to the transportation of the dead, have been complied with.

REGULATION 61

Regulation 61 states, in part, that Certified Copies of death certificates shall be supplied by the Bureau of Vital Statistics at a charge of \$1.00. BUT, if required by a Veterans Bureau as proof of death for benefits, then it shall be supplied FREE. Certified copies of record shall also be supplied free to all members of the armed forces. (Birth, Marriage, Divorce or Annulment and Death for the duration).

REGULATION 67

The opening of a hermetically sealed casket containing the disinterred remains of any person dead from any cause, and shipped into Montana for burial, is hereby forbidden except when so ordered by a court of competent jurisdiction.

FREE Certified Copies of Death Certificates must be requested by the VETERANS BUREAU on their own stationery. Otherwise, regular \$1.00 Fee.

Montana State Library



3 0864 1006 0539 6